

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:11-cv-131-RJC-DCK**

**TORNELLO FONTAINE, pierce el-bey** )  
**Grantor Washitaw de Dugdahmoundyah** )  
**Muur's Grantor / In Propria Persona,** )  
 )  
**Plaintiff,** )  
 )  
**v.** )  
 )  
**CITY OF CHARLOTTE,** )  
**CHARLOTTE MECKLENBURD POLICE** )  
**DEPARTMENT, T. BOBREK, and** )  
**JOHN DOE,** )  
 )  
**Defendants.** )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on the pro se Plaintiff's Motion to Strike/Objection (Doc. No. 6). The Plaintiff appears to take issue with the Magistrate Judge's having ruled on the Defendants' Motion for Extension of Time to Answer. The Plaintiff is under the mistaken impression that a magistrate judge may not determine any motions in a case without the parties' consent, as he cites 28 U.S.C. § 636(c) in arguing his position. However, pursuant to 28 U.S.C. § 636(b), a magistrate judge may "hear and determine any pretrial matter pending before the court" in a civil action other than certain motions that would effectively end the case, as well as motions to dismiss or permit maintenance of a class action. In addition, Federal Rule of Civil Procedure 72(a) specifically sets forth the framework allowing a magistrate judge to hear and decide a nondispositive motion upon the district court's directive, regardless of the parties' consent. A motion for extension of time to answer is a nondispositive motion, as it does not dispose of any claim or defense in the action – it merely allows a party more time to act.

**IT IS, THEREFORE, ORDERED** that the Plaintiff's Motion to Strike/Objection (Doc. No. 6) is **DENIED**.

Signed: April 13, 2011

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
Chief United States District Judge

